

**MINUTES OF THE TUCSON POLICE  
PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARDS  
MEETING OF TUESDAY, JULY 10, 2007  
CITY OF TUCSON FINANCE DEPARTMENT CONFERENCE ROOM  
FIFTH FLOOR OF CITY HALL 255 W. ALAMEDA, TUCSON, AZ  
9:06 A.M.**

**1. ROLL CALL**

**Board Members:**

Present:	Robert Walkup	Chair
	Joe Ladenburg	Member
	Mike Gurr	Member
	Tom Garrison	Member
Absent/excused:	Marion Pickens	Member
Staff Present:	Elizabeth Martinez – Police and Fire Board Secretary	
	David McEvoy - Police and Fire Board Attorney	
	Kathy Maish – Executive Assistant Finance Department	
Also Present:	Mike McKendrick - Fire Board Member - Left at 10:00 A. M.	
	Sharon Allen – Police System Member – Left at 9:17 A. M.	
	Charles Blue – Police System Member - Left at 9:10 A. M.	
	Sue Early – Police System Member	
	Sandra Sellars – Police System Member	
	Larry Lopez – Police System Member	
	JD Kragnes – Police System Member	
	Rick Radinski – Police System Member	
	Dennis Widener – Police System Member - Left at 9:06 A. M.	
	Amber Widener – Police System Member - Left at 9:06 A. M.	
	Jack Wixon – Police System Member	
	Thomas Stillwell – Attorney for Police System Member	

**2. POLICE CONSENT AGENDA: ITEMS A – I**

- A. MINUTES FOR APPROVAL – 06/10/07
- B. PENSION PAYROLL – Addition of Normal Service Retirement for George R. Johnston out of DROP in the amount of \$4,046.86. Addition of Normal Service Retirement for William H. Schneider out of DROP in the amount of \$2,755.88. Addition of Normal Service Retirement for Paul Swank out of DROP in the amount of \$2,853.67. Addition of Normal Service Retirement for Ralph Taylor

out of DROP in the amount of \$3,087.15. Addition of Permanent Accidental Disability Retirement for Charles Blue (amount Pending). Deletion of Child's benefit in the amount of 103.18 for Pamela Philbaum due to death retroactive to November 1, 2006

C. NORMAL SERVICE RETIREMENT

George Johnston – Last day worked 06/29/07 – Pension effective 07/01/07

William Schneider – Last day worked 06/29/07 – Pension effective 07/01/07

Paul Swank – Last day worked 06/28/07 – Pension effective 07/01/07

Ralph Taylor – Last day worked 06/29/07 – Pension effective 07/01/07

D. PERMANENT ACCIDENTAL DISABILITY RETIREMENT

Charles Blue – Last day worked 06/30/07 – Pension effective 07/01/07

E. DEFERRED RETIREMENT OPTION PLAN

Lee Souter – Election to participate in the DROP 06/30/07

F. PRE-EMPLOYMENT PHYSICAL REQUIREMENT

DOH: 02/22/07

PSPRS: 06/10/07 Class 07-3

Brad Cheney	Passed Pre-Employment physical
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Travis Eygabroad	Passed Pre-Employment physical
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Raul Gallegos	Passed Pre-Employment physical
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Kevin Hayes	Passed Pre-Employment physical
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Jason Ives	Passed Pre-Employment physical
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Ryan Jones	Passed Pre-Employment physical
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Sean Payne	Passed Pre-Employment physical
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Robert Peterson	Passed Pre-Employment physical
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G. EXPENDITURE STATEMENT IN THE AMOUNT OF \$500.00 FOR ANNUAL PHYSICAL for Richard Law and Dennis Widener by Dr. Dennis Thrasher at Sunnyside Medcenter

H. TRANSFER OF SERVICE

Paul Cardwell – Transfer from Tucson Police to Phoenix Police – 7.0691 years

I. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY

**MOTION** by Mr. Gurr, seconded by Mr. Garrison that Police Board Items A – H with the exception of Charles Blue in B. and item D. (to be handled under Item 7) are adopted

and the appropriate action taken. Motion **CARRIED** by a roll call vote of 4-0. (Ms. Pickens Absent/Excused).

### 3. FIRE CONSENT AGENDA: ITEMS A – H

#### A. MINUTES FOR APPROVAL – 06/10/07

B. PENSION PAYROLL – Addition of Normal Service Retirement for Richard Joseph Bavaro (amount pending). Addition of Normal Service Retirement for Gary Dilliston out of DROP in the amount of \$2,912.34. Addition of Normal Service Retirement for Brian Morton out of DROP in the amount of \$2,175.24. Addition of Normal Service Retirement for David Young out of DROP in the amount of \$2,900.48. Deletion of Normal Service Retirement Benefit for Rudolph L. Leon in the amount of \$3,988.52 due to his death on June 12, 2007.

#### C. NORMAL SERVICE RETIREMENT

Gary Dilliston – Last day worked 06/28/07 – Pension effective 07/01/07

Brian Morton – Last day worked 06/30/07 – Pension effective 07/01/07

David Young – Last day worked 06/24/07 – Pension effective 07/01/07

#### D. REVERSE DEFERRED RETIREMENT OPTION PLAN

Richard Joseph Bavaro – Election to participate in the Reverse DROP Date 02/28/06  
Retirement date 06/24/07 – Pension effective 07/01/07

#### E. DEFERRED RETIREMENT OPTION PLAN

Paul Baxter – Election to participate in the DROP 06/30/07

Timothy Baxter – Election to participate in the DROP 06/30/07

Kevin Deordorff – Election to participate in the DROP 06/30/07

Stephen Foree – Election to participate in the DROP 06/30/07

Fred Fitzpatrick – Election to participate in the DROP 06/30/07

James Kress – Election to participate in the DROP 06/30/07

Jerry Manion – Election to participate in the DROP 06/30/07

Rick Ramondi – Election to participate in the DROP 06/30/07

Tracey Stair - Election to participate in the DROP 06/30/07

#### F. PRE-EMPLOYMENT PHYSICAL REQUIREMENT

DOH: 01/18/07

PSPRS: 06/24/07 Class 07-1

Dane Antrim	Passed Pre-Employment physical
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Francisco Araiza	Passed Pre-Employment physical
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Chris Basaldua	Passed Pre-Employment physical
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Arnulfo Bonillas	Passed Pre-Employment physical
David Champe	Passed Pre-Employment physical
Jason E. Christison	Passed Pre-Employment physical
Ryan M. DeWald	Passed Pre-Employment physical
Billy D. Eyrich Jr.	Passed Pre-Employment physical
Sean M. Gordon	Passed Pre-Employment physical
Bill Hamlin	Passed Pre-Employment physical
Joshua B. Hanson	Passed Pre-Employment physical
Christopher Hardy	Passed Pre-Employment physical
Andrew Heeringa	Passed Pre-Employment physical
Levi Penrod	Passed Pre-Employment physical
Dorine Pfeifer-Wolfel	Passed Pre-Employment physical
Edward J. Pira	Passed Pre-Employment physical
Eric Jakoby	Passed Pre-Employment physical
Trevor R. Jones	Passed Pre-Employment physical
Robert L. Key	Passed Pre-Employment physical
Ryan L. Larson	Passed Pre-Employment physical
Mark A. Livingood	Passed Pre-Employment physical
Derek P. Lopez	Passed Pre-Employment physical
Michael P. Lucero	Passed Pre-Employment physical
Adam M. Neal	Passed Pre-Employment physical
Bryce E. Neva	Passed Pre-Employment physical
Joseph T. Nilson	Passed Pre-Employment physical
Ryan Oswald	Passed Pre-Employment physical
Sean Palese	Passed Pre-Employment physical
Santo M. Pancost	Passed Pre-Employment physical
Gary Sereno	Passed Pre-Employment physical
William Simons	Passed Pre-Employment physical

G. TRANSFER OF SERVICE

Anthony D'onofrio from South Tucson Fire to Tucson Fire 1.1280 Years in the amount of \$3,166.34

Michael Short – from Fry Fire to Tucson Fire 2.6092 years in the amount of \$7,212.78

Eric Walker – from Drexel Heights Fire to Tucson Fire 7.2745 Years in the amount of \$20,873.21.

H. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY

This is a Fire board item no action necessary by the Police board.

**Items 8 and 9 were taken out of order**

8. **COMPLIANCE WITH RULE 16 – ANNUAL PHYSICAL  
EXECUTIVE SESSION Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])**

Fire – Attachments  
Marne Plaster

There was no executive session under this item.

9. **COMPLIANCE WITH RULE 16 – ANNUAL PHYSICAL  
Board Direction Regarding Executive Session**

Fire  
Marne Plaster

This is a Fire board item no action necessary by the Police board.

4. **APPLICATION FOR DISABILITY RETIREMENT EXECUTIVE SESSION  
Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])**

Police – Attachments  
Dennis Widener

There was no executive session on this item.

5. **APPLICATION FOR DISABILITY RETIREMENT  
Direction regarding Executive Session**

Police  
Dennis Widener

It was determined without objection by the Board that based on information from the applicant's representative Mr. Widener's application for permanent accidental disability

retirement was withdrawn and changed to an application for temporary accidental disability retirement.

**MOTION** by Mr. Gurr, seconded by Mr. Garrison that based upon the medical evidence provided and letter by Dr. Thrasher dated June 28, 2007 that the board approve the temporary accidental disability retirement for Mr. Widener to be effective upon separation from the Police Department. Motion **CARRIED** by a roll call vote of 4-0. (Ms. Pickens absent/excused.)

**6. REHEARING ON APPLICATION FOR DISABILITY RETIREMENT**  
**EXECUTIVE SESSION** Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])

Police – Attachments

Charles Blue

There was no executive session under this item.

Jack Wixon

**MOTION** by Mr. Gurr, seconded by Mr. Garrison to go into executive session. Motion **CARRIED** Unanimously.

**EXECUTIVE SESSION: 9:17 A.M. to 9:59 A.M.**

Tucson **Police** Public Safety Personnel Retirement System Board  
July 10, 2007 – 9:17 A.M. – 9:59 A.M.

City of Tucson Finance Department Conference Room  
Fifth Floor of City Hall 255 W. Alameda, Tucson, Arizona

The Board members were instructed on the confidentiality requirements.

Board Members

Present:	Mayor Walkup	Chair
	Joe Ladenburg	Member
	Tom Garrison	Member

Mike Gurr                                  Member  
David McEvoy - Police and Fire Board Attorney  
Elizabeth Martinez – Police and Fire Board Secretary  
Mike McKendrick – Fire Board Member  
Kathy Maish – Finance Executive Assistant

It was noted that Executive session Item, #7. Rehearing on Application for Disability Retirement (Jack Wixon case only) was handled under executive session.

**MOTION** by Mr. Gurr, seconded by Mr. Garrison to go back to regular session. Motion **CARRIED** Unanimously.

**7. REHEARING ON APPLICATION FOR DISABILITY RETIREMENT**  
**Direction regarding Executive Session**

Police

## Charles Blue

The Board Members reviewed the letter written by Ms. Judy North and the response by Dr. Thrasher with regard to Mr. Charles Blues application for Accidental Disability.

**MOTION** by Mr. Gurr, seconded by Mr. Garrison that based upon the Clarification of the medical evidence provided by Dr. Thrasher dated June 30, 2007 that the board approve the Permanent accidental disability retirement for Mr. Blue to be retroactive to his separation from the Police Department. Motion **CARRIED** by a roll call vote of 4-0. (Ms. Pickens absent/excused).

**MOTION** by Mr. Gurr, seconded by Mr. Garrison that item A. and D. (regarding Mr. Blue) from the consent agenda are approved and the appropriate action to be taken. Motion **CARRIED** by a roll call vote of 4-0. (Ms. Pickens absent/excused).

## Jack Wixon

Mr. Walkup announced the Item.

Mr. Garrison stated that Mr. Stillwell (Mr. Wixon's Attorney) was present and Assistant Chief Sharon Allen were in the audience and requested to speak on the item.

Mr. Stillwell deferred to Ms. Allen.

Assistant Chief Allen spoke to the board regarding the testimony that Mr. Wixon had given at the April 10, 2007 Board meeting.

**EXECUTIVE SESSION: 9:17 A.M. to 9:59 A.M.**

**MOTION** by Mr. Gurr, seconded by Mr. Garrison to go back to regular session. Motion **CARRIED** Unanimously. (Ms. Pickens absent/excused).

Mr. Stillwell spoke to the board regarding the executive session, testimony and Mr. Wixon's injury.

Mr. McEvoy and Mr. Gurr also spoke on the item.

**MOTION** by Mr. Garrison, seconded by Mr. Ladenburg that because of the testimony given by Assistant Chief Sharon Allen the Board request the attorney general's office investigate the issue of whether the applicant, Mr. Jack Wixon, committed fraud or other illegal acts in connection with his application for an Permanent Accidental Disability Retirement under A.R.S. 38-849. Second, that this item be continued until the investigation is complete. Motion **CARRIED** Unanimously. (Ms. Pickens absent/excused).

8. **COMPLIANCE WITH RULE 16 – ANNUAL PHYSICAL**  
**EXECUTIVE SESSION** Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])

This Item was taken out of order after Item 3.

9. **COMPLIANCE WITH RULE 16 – ANNUAL PHYSICAL**  
**Board Direction Regarding Executive Session**

This Item was taken out of order after Item 3.

10. **LEGISLATION**

The Board members reviewed the legislative report from Public Safety Personnel Retirement System, noting that three bills had been signed by the Governor: House bill 2215 Retirement Plans Domestic Relations Orders; House bill 2268: Cancer Insurance;



Firefighters; Peace officers; And House Bill 2311: Retirees; Rural Healthcare Subsidies.

## **11. ELECTION**

The Board members reviewed a memo from Mr. Cameron, Finance Director, appointing Ms. Kathy Maish to be on the Tally board for the Police Special Election.

Ms. Martinez announced that Captain Kidd was the liaison, from the police department for the Police Special Election and she was working with Adriana Mercer-Montgomery to post announcements to recruit candidates, personnel roster and mailing labels for the commission personnel.

## **12. BOARD STAFF**

Ms. Martinez stated that she had received a memo from Human Resources this morning at 8:50 a.m. from Mr. Ladenburg dated May 17, 2007, that states Board staff will not be reclassified.

Mr. Garrison stated that he has been on this board for many years and the Human Resources Department does not have any idea what responsibilities are involved with this position.

He felt that the Administrative Assistant is not the correct position the minimum for this position is Staff Assistant. Ms. Martinez constantly demonstrates her knowledge of the law and schedules, coordinates and trains newly hired police officers and fire fighters. Advises Attorneys, Employers and employees about requirements, rules, policies and procedures by referencing state law and the board's rules and regulations. He said Mr. Tamietti felt the same way. He further stated that Ms. Bezaury was out of touch with this position and there was no other position in the City that can be compared to this one.

Mr. Walkup stated that he felt they had followed all the rules and the only thing that is left is some form of intervention. He was not sure how to handle the situation.

Mr. McEvoy stated that in the packet for Board staff there is a memo from Marc Lieberman that is dated June 20, 2007, states, "Pursuant to the authorization of the Attorney General, I serve as the general counsel to the Fund Manager of the Public Safety Personnel Retirement System. I am in receipt of your letter to James M. Hacking, the System's Administrator, requesting an opinion whether your local board may compel the City of Tucson to pay your wages, retirement benefits, and other fringe benefits as

those are determined by the local board.” In addition, that opinion should be rendered within the month. (This is the same opinion that Mr. McEvoy has given to the board.)

Mr. Walkup said that the Board does have another avenue.

Mr. McEvoy stated that yes

Mr. Walkup stated that it would be convenient if the Board had the right to make that decision.

Mr. Ladenburg stated that he felt that the information that comes back from the state fund would be good guidance to all the local boards for information because he felt that the cities position would be that the Board is moving this position out of Civil Service. Moreover, based on Human Resources response, whether it is right or wrong, or you agree with it or not. He disagreed with it due to other circumstances in his department. It would be disadvantageous for Ms. Martinez, personally, to be pulled out of civil service. Regardless of that, maybe the Board will have some sense about what they can or cannot do.

Mr. McEvoy stated assuming for the purposes of discussion that Mr. Lieberman would side with the position that the Board has that authority; he felt the Board is not necessarily bound by that decision. What it does is open up discussion, gives some credence to the issue, and gets it out of the logjam.

Mr. Walkup stated that the board needs to follow a process and this is the one option that they have. He also requested the item be put on next months agenda.

### **13. FUND INFORMATION**

#### Board Member

Ms. Martinez announced that the Civil Service Commission had appointed a new Chairperson, Ms. Marion Pickens, who is automatically a Member of the Police and Fire Public Safety Personnel Retirement System Board.

Ms. Martinez stated that she has taken the oath of office and will attend at the Next Board Meeting.

#### Fund Manager

Mr. Garrison stated that he had received information that Public Safety Personnel Retirement System was looking for an individual with an economics or accounting background to be on the Fund Manager’s Board.

After some discussion, Mr. Garrison said he would try to find more information and report to the board at the next board meeting.

**MOTION** by Mr. Gurr, seconded by Mr. Garrison to adjourn the police board. Motion carried **UNANIMOUSLY**. (Ms. Pickens absent/excused).

#### **14. ADJOURNMENT – 10:25 A. M.**

The next regular meeting of the Tucson Police and Fire Public Safety Personnel Retirement System Boards is scheduled for **9:00 A.M.** on Tuesday, **August 14, 2007**, in the Finance Department Conference Room, Fifth floor of City Hall, 255 W. Alameda, Tucson, AZ.

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**Elizabeth Martinez, Board Secretary**

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**Robert Walkup, Chair**

**VERBATIM TAPE RECORD ON FILE IN THE TUCSON POLICE AND FIRE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARDS' OFFICE LOCATED AT CITY HALL, FINANCE DEPARTMENT, 1ST FLOOR WEST, 255 W. ALAMEDA, TUCSON, ARIZONA - AVAILABLE UPON REQUEST.**